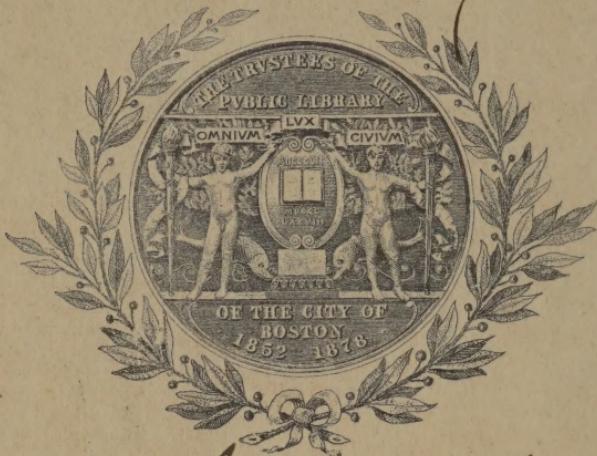




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Wm. C. B. Huntington





S P E E C H

OF

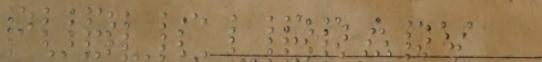
MR. JOHN A. KING, OF NEW YORK,

ON

4265.574

THE ADMISSION OF CALIFORNIA;

DELIVERED IN THE HOUSE OF REPRESENTATIVES, JUNE 4, 1850



BY MR.



WASHINGTON.

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APPENDIX

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Hon. R. C. Winthrop  
"Accept. Mar. 17. 18

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## S P E E C H.

Mr. CHAIRMAN: The war with Mexico, the triumph of our arms, and the acquisitions of the vast and distant territories which were the result of both, have been the fruitful source of the trouble and excitement which has prevailed throughout the country, and whose distracting influences have found their way into these halls of legislation. For more than five months a debate, at times of great warmth and sharpness, has occupied the time of the Representatives of the people. The admission of California, and the policy which shall prevail respecting the territories which came to us by the treaty with Mexico, have opened a wide field of debate ; and the question of slavery, as it exists among us, and as it is sought to be extended, has been freely canvassed, assailed and defended. Its early history, its spread and influence since the adoption of the Federal Constitution, have been examined and discussed with much ability and research. I do not propose to say much more on these several heads, nor to call in question, any further than a fair discussion will warrant, the opinions of those who differ with me on this absorbing and difficult subject.

After a long interval of repose, a new settlement of these vexed questions is unitedly and firmly demanded by the South ; and its friends are again urged to a vigorous and concerted movement to assert and defend to the last its claim to an equal right and share in the lands and territories which, by the strong hand of war, were wrested from Mexico. In order to come to a safe conclusion in reference to the right and justice of such a claim, it may be perhaps allowed that the opinions of the past, and of the early days of the Republic, may be referred to as sure and intelligent indications of the sentiments and views of those days. I propose, then, to go back for a moment to the period of the confederation and of the convention which formed the Constitution of the United States, and ascertain what were the opinions of the wise and patriotic men of that day on the subject of slavery. The articles of confederation contain no provision for the surrender of slaves who might escape from their masters into other States ; nor is slavery mentioned or alluded to in the articles, except in restricting certain rights and duties to free white people. The sole provision respecting representation in Congress under the confederation was, that no State should be represented in Congress by less than two nor more than seven delegates, the manner of appointing them to be as each state legislature should direct, each State to have one vote. The contribution

of the States to the public Treasury was to be according to the value of the improved and surveyed land, and the military quota in proportion to the number of white inhabitants in the same. Hence it is obvious, these being the only provisions in the articles of confederation bearing on this subject, that neither slave representation was claimed, nor taxation in proportion to the number of slaves, nor, indeed, as to any property other than surveyed and improved land, nor was there any claim entertained for runaway slaves. Such was the state of things when the convention which formed the Constitution of the United States assembled on the 14th of May, 1787, at the city of Philadelphia. On the 20th of May, Edmund Randolph, of Virginia, offered his series of resolutions for consideration—the second of which declared that the right of suffrage in the National Legislature should be proportioned to the quota of contribution, or to the number of free inhabitants, as the one or the other may seem best, in different cases. On the same day Mr. Charles Pinckney, of South Carolina, also laid before Congress his draught of a constitution—the 3d article of which provides, that the members of the House of Delegates shall be chosen every — years by the people of the several States, and the qualifications of electors shall be the same as those of the electors of the several States for their legislatures ; and in article 6th it provided, that the proportion of direct taxation shall be regulated by the whole number of inhabitants of every description. It contained no provision for the surrender of fugitive slaves, although it did for fugitives from justice. On the 30th of May, to Mr. Randolph's second resolution, defining the right of suffrage, Alexander Hamilton moved an amendment, that the right of suffrage in the National Legislature ought to be proportionate, and not as under the confederation.

Rufus King, on the 11th of June, moved that the right of suffrage in the first branch of the National Legislature ought not to be according to the rule established in the Articles of Confederation, but according to some equitable ratio of representation—which was adopted, 7 to 3. Mr. Rutledge, of South Carolina, moved to add, “according to the quota of contribution.” Mr. Wilson, of Pennsylvania, seconded by Mr. Charles Pinckney, of South Carolina, moved to postpone the amendment, and substitute the following : “In proportion to the whole number of white and other free citizens and inhabitants of every age, sex, and condition, including those bound to servitude for a term of years, and three-fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes in such State;” which was adopted, 10 to 1. The unanimity of this vote denotes that Mr. Wilson acted in harmony and after consultation with the members of the convention generally, and that Pennsylvania has the merit, or responsibility as it may be viewed, of having first proposed a representation of slaves in the proportion of 5 to 3. On the 28th of June, the point of difficulty, that of determining the equitable ratio of representation, was reached. The smaller and less populous

States were unwilling to settle that point until they could secure equality of representation in the other branch, the Senate. Accordingly, it was moved and carried to postpone the residue of the resolutions, and take up the substitute for the eighth resolution, viz., "that in the second branch of the National Legislature each State should have an equal vote." It was debated on the 29th and 30th of June; and on Monday, the 2d of July, the question upon it was taken and lost, 5 to 5—Georgia divided; Connecticut, New York, New Jersey, Delaware, and Maryland, aye; Massachusetts, Pennsylvania, Virginia, North and South Carolina, no—the big States of that day against the little ones. The whole matter was then referred to a committee of one from each State; and on Thursday, the 5th of July, Mr. Gerry reported a recommendation, among other matters, "that each State should have an equal vote in the second branch of the Legislature." For another part of Mr. Gerry's recommendation, relating to the suffrage, Mr. Rutledge, of South Carolina, proposed to substitute the following words: "that the suffrage of the several States be regulated and proportioned according to the sums to be paid towards the general revenue by the inhabitants of each State respectively," which failed—South Carolina alone voting for it.

Here we see South Carolina proposing in vain taxation on property, and not population, as the basis of representation. The representative value of slaves as inhabitants was renounced by her completely by that proposition. But the amount of property (which would include slaves) in South Carolina was such as that, upon the proposal of Mr. Rutledge, her representative strength in Congress would have been greater probably than on the basis of three-fifths of the slaves. But with the growth of other States, (New York especially,) the proportion of South Carolina would have been diminished.

This proposition is chiefly important in showing that slavery was not the interest then sought to be protected, but relative political power, of which the amount of taxation paid by each was to be the measure. On the 7th of July, the clause giving an equal vote to each State in the Senate was passed—ayes 6, noes 3: Pennsylvania, Virginia, and Maryland; and Georgia divided. On the 29th of August, the draught of the Constitution, as reported and amended, was adopted, with the additional provision, for the first time proposed, for the surrender of fugitive slaves, which was passed unanimously.

Such were the proceedings of the Congress of the Confederation, and of the convention that framed the Constitution, upon and in reference to the question of slavery. The inference from this statement is, that slavery and slave representation, as elements of political power, were little regarded at that time; but that the absorbing question of that day was one of relative political power, as between the great and small States, and not between the free and the slave States; that direct taxation was to be based on property, and representation on the three-fifths principle. This inequality in the apportionment of repre-

sentatives was not misunderstood, however, at the adoption of the Constitution, and the concession was then believed to be a great one, and has proved to have been the greatest which was made to secure the adoption of that instrument. But as no one anticipated the fact that the whole revenue of the country would be derived from indirect taxes, but believed that a part of the contribution to the common treasury would be apportioned among the States, by the rule for the apportionment of representatives; this provision of the Constitution was finally, but reluctantly, acquiesced in. The South has, so far, with few exceptions, enjoyed the full benefit of the representation secured by it, without having been called upon to pay direct taxes towards the support of the Government. As time rolled on, and the productions of the South have increased in value, so also have the number and value of her slaves; and with both, her influence in the Union and in the Halls of legislation. Always united where her interest is concerned, with able and far-seeing statesmen in the lead, she has ever divided the North, whose interests are various, and whose political divisions have, at all times, greatly aided her efforts in this steady purpose. Hence new territories have been acquired, whose climate, soil, and production, are favorable to slave labor. Hence her ascendancy in the Senate has been carefully guarded and preserved. The acquisition of Louisiana and of Florida, the annexation of Texas, and the war with Mexico, each and all, are the result of the influence and policy of the South. The peace with Mexico has given to us other territory of great extent, the climate and soil of which are, in many parts, well adapted to the labor of slaves. The management of this new property of the nation, the admission of California, which forms a part of it, and the policy which shall be pursued towards New Mexico and Utah, are now the subjects for deliberation and settlement.

The South demands, as due to her rights and honor, to carry slaves into those Territories, or at least that no limitation should be placed by Congress on her rights in this respect. The North resists this claim on the part of the South, as the territory is free by the Mexican laws, and should not be allowed to change that condition. The North resists the extension of slavery upon various grounds—that the power of a nation to put down insurrection and repel invasion is weakened by the extension of slavery; that the moral sentiment of the people of many of the States is opposed to it; that the political and legislative power of the country have been controlled and made tributary to its influence; that there are limits, besides, within which our federal system must stop, and for the preservation of which we must diligently plant and cherish the principles of liberty in the new States which may be formed without our ancient limits. Upon principles of public policy, the North is opposed to the extension of slavery; and, as its varied labor is affected by the legislation of Congress, in which the united vote of one great section of this country is too

often found in opposition to the protection of its labor and industry, in interest, too, the North is opposed to the extension of slavery.

Since the admission of the State of Missouri a long repose has prevailed on the subject of slavery. Then the full power of Congress over Territories and new States was distinctly affirmed and vindicated—then, for the first time, was the admission of new States considered and treated as a question of political power. Missouri was admitted, and a great principle of freedom was compromised and limited by degrees of latitude; but the power of Congress, its complete power to accept or refuse the admission of a new State, except upon such conditions as it might prescribe, was nevertheless thereby affirmed. As Congress alone may admit new States, Congress therefore may prescribe the terms upon which their admission may be made; and may in her wisdom require, as a condition of their being received, that slavery shall be forever excluded. If the State consents, her people are bound, in good faith and honor, upon which all compacts rest, and by which the obligations of treaties are enforced, to abide by the same. Such was the nature of the compact between the original thirteen States and the people and States of the Northwestern territory—forever to remain inviolable except by common consent—called the Ordinance of 1787.

Missouri was a part of Louisiana, in which slavery existed at the time of its cession to the United States. Yet did Congress affirm the power to restrict slavery from all parts of the said province lying north of  $36^{\circ} 30'$ , and not included in Missouri; and, if north of that line of latitude, could have and would have within Missouri itself, except for the compromise.

Now, what is asked by the free States? Not that slavery shall be excluded from Territories where it exists, but forever to close those where it does not exist, but where it is, by the Mexican law prohibited, against its introduction—a far less exercise of the power vested in Congress than was claimed and carried out in the admission of Missouri. The compromise in that case was sternly resisted by the free States; but, as it prevailed by the accustomed course of legislation, it was then and has since been acquiesced in as far as it went. The recent acquisitions from Mexico, and the declared purpose on the part of the South to go there with their slaves, has again roused the people of the free States to prevent, if they could by the action of the National Legislature, the establishment of slavery in those Territories. This is now the issue. The free States have, with great unanimity, declared against the extension of slavery to these new and distant regions.

We are told that, to the South, this question is one in which they not only feel the deepest interest, and have equal claims, but that it is also with them a point of honor. I can and will respect a point of honor, but against it, in this instance, I place one of principle; which should yield? Various plans are proposed for the settlement of the difficulties in which the acquisition of these Territories

have involved us. California has decided for herself, and asks for admission. The President recommends that we should receive her as she presents herself, and that we leave to time and the decision of the people of New Mexico when and in what manner they may ask for admission as a State. A distinguished statesman in the other branch has proposed a compromise, or adjustment as it is called, of these and other questions growing out of the annexation of Texas, and her claim to the greater part of New Mexico, embracing, also, other questions in which slavery and its regulations are concerned. We are told by him that the country is bleeding from many wounds; that the plan he proposes will staunch the blood, and bring healing in its provisions; that the recommendation of the President is incomplete, because it provides no remedy, no cure, for all these wounds; that the case is one of imminent peril; and that he proposes the specific which will afford a general and permanent relief.

While I admit the spirit and the power which still animates the veteran and patriotic statesman who boldly proposes, and ably defends his plan against that of the President, and against all important amendments, come they from whence they may; while I acknowledge my unfeigned respect for him, and my high estimate of his long and distinguished public service; yet am I bound in equal frankness to declare, that I prefer the recommendation of the President to the bill of compromise reported by him to the Senate. The matters to which they both refer demand a settlement at our hands; those which relate to the admission of California cannot admit, with safety, of much longer delay. How shall this be accomplished? The plan of the Senate's committee embraces many and different subjects; some of which demand immediate, others a more deliberate examination and decision; and none have any necessary connexion with the admission of California, the great object and desire of a vast majority of the American people. We are told the country suffers from the state of its public and domestic affairs; that we have treaty obligations to fulfil with Mexico, and with the people who have elected to become citizens of the United States; and that the civil power should replace in New Mexico the authority which now protects the people, and guards the frontiers of that Territory. We are told, also, that the boundaries of New Mexico can be preserved and maintained by the payment of a large sum of money to Texas; that further protection must be given to the master, to enable him to claim his fugitive slave, and that the slave trade in the District of Columbia should be abolished. These are the various and dissimilar subjects with which the admission of California is sought to be indissolubly connected. If I saw despair and doubt in the public mind—if I could perceive the bleeding wounds in the body politic—I might hesitate and doubt about the course to be pursued; but when I behold, in every section of this great Republic, health, repose, prosperity, and hope, I look with renewed confidence to the pilot at the helm, and in him, and in his counsel, believe that there is safety.

The recommendation, then, of the President, carries with it at once the authority and weight which his station and constitutional duty necessarily impart to it. Above the reach of those influences which sometimes sway the judgment of others, he brings to the examination and decision of this question a sound, moderate, and disinterested purpose; a character of tried integrity and firmness, and a judgment which has, so far, never deserted him, in circumstances and difficulties which demanded a prompt and clear decision. So far as I can judge, the policy he recommends is wise, patriotic, conciliatory; practical, and unembarrassed by details and conflicting questions; giving no triumph to either side; the best, therefore, in the present state of the public feeling, and that which can alone receive the support of a great majority of the American people. Let California, then, be received; let the Territories wait. Better far that they should be delayed than that the Union should be endangered. By awaiting their action all causes of uneasiness may be avoided, and confidence and kind feeling restored. Time, the great solver of all difficulties, aided by the deliberate judgment of the people of those Territories, will settle the question which now agitates and perplexes the public mind, more wisely and happily than we can by our legislation on the subject.

Let California be received, let her come alone; it is due to usage, to her people, to her rights as a sovereign State; for such she is, and never can be less. Who are they that have thus patiently waited, and still ask for admission? Are they not our sons, the strength of our loins; the ardent, the young, the brave, the wise? What a noble illustration does the constitution they have adopted afford of the habits of free government and lawful order. A most promiscuous assemblage of men, thrown upon a foreign and a distant shore, with only one pursuit, and that of gold, the most corrupting, in a country without government or law, quietly co-operating, without tumult or violence, to select members of a convention which was to give them a constitution; that convention meeting, organizing, deliberating, and deciding—under no sanction, with no protection or authority but the public opinion—and ultimately forming a constitution, wise and conservative, which was adopted by the votes of nearly all the people; which, when adopted, went into immediate effect, and became at once a law for those who before were exempt from all law; under which Senators, Members of Congress, and of the Legislature, and officers of the State government, were regularly and quietly chosen, and thus became a well-constituted and well-regulated republic, complete at its birth, and awaiting only the consent of its sister republics to take its equal station with them in the glorious Union which constitutes us one great nation. Such a series of facts as these, at a moment when the older nations of continental Europe, after a period of suspense, bloodshed, and ruin, all encountered in the name and for the hope of liberty, seem to be contentedly relapsing into military despotism, should appeal irresistibly to an American Congress for acknowledgment and sympathy. To

weigh against a State, thus presenting herself, technical informalities, and, still worse, to oppose the admission of such a State, unless pledges can be wrung from her supporters favorable to slavery, is so gross, so palpable, a wrong, so unusual in all other instances, so dishonoring to her, that it can never receive the sanction of the representatives of the American people. Alone, and free, then, let her come, proclaiming, by that noble provision of her constitution, that the shore of the Pacific, within her boundaries, shall never support the foot of a slave; a noble inheritance, for which, in aftertimes, her children will bless their birthright and our national sanction and acknowledgment. Thus, too, will the stain, which was affixed by the mother country to the Atlantic shore, be atoned for and redeemed by the adoption of this charter of liberty, which her descendants, in these days, have spread over and along the shores, the mountains, and the valleys of this distant coast.

Allusion has been made in the course of the debates in this and the other House to the opinions and votes of one whose name it is my chief honor to bear —of one who, during a long public life, faithfully served the country that he loved, and the Constitution which he assisted to frame, the occasion may therefore be a fitting one, and filial piety not an unfitting motive, for now seeking to do justice to the early, steady, and consistent course of Rufus King on the subject of slavery. On the 16th of March, 1785, soon after he took his seat in the Congress of the Confederation as a delegate from Massachusetts, that ancient and honorable Commonwealth, he laid upon the table and moved to have committed the first resolution ever presented to Congress for the *immediate* and absolute prohibition, then and forever, of slavery in the States northwest of the Ohio, and which, with slight alteration, was incorporated into the ordinance of 1787, for the government of the Western Territory, by his friend and colleague, Nathan Dane. Born in Massachusetts, he early came into the councils of the nation, deeply imbued with the spirit of his native State, and ardently attached to the nation, whose birthright he had helped to assert in arms, he felt that freedom was, and must be, the corner stone of its prosperity, glory, and power, and his first permanent public act was to lay the broadest basis for that corner stone, by impressing upon the fine region beyond the Ohio, yet unpeopled, the unchangeable condition of individual freedom, by forever excluding and prohibiting slavery within its boundaries. Ever true to the Constitution, and to all the obligations which it imposes, he never shrunk from the performance of all the duties, in peace or in war, which his station in the public councils at home, or as the Representative of his country abroad, required at his hands. When returned to the Senate of the United States in 1819-'20, the application for the admission of Missouri was under discussion. He was instructed by the legislature of his State to resist the admission of Missouri as a slave State; the public opinion of his own people coincided with his own, to forbid such an extension of slavery; and strong in his own convictions, in the

public opinions of his State, in the direct and positive instructions of the legislature of New York, he opposed in calm but effective argument the compromise of a great principle for temporary expediency. Missouri was admitted, and the compromise prevailed. But true to his early principles, and as each revolving year showed more clearly to his practised judgment the evils of this agitating question, he determined to make a last effort in the cause which had called forth his first effort in the Congress of the Confederation, and he accordingly laid upon the table of the Senate in 1825, on one of the last days of that session, with which, as he had previously announced, his career in the Senate would terminate forever, a resolution proposing to set apart all the public lands of the United States, together with their nett proceeds, as a perpetual fund for the emancipation and removal of the slaves of the United States under the sanction and the laws of the several States where slavery existed.

It was a great and generous offering in the name of the free States to the South, that if they would consent, the freemen of the States where slavery was unknown, would relinquish their share of this magnificent public domain of the public lands, held in common trust, in compensation to the States where slavery existed, for the surrender and exportation of the slaves within their respective limits. Mr. Chairman, with such an example before me, with principles such as he announced and maintained to guide me, I cannot hesitate, I cannot doubt, respecting the course I should pursue upon the questions before us. The opinion which he held upon the subject of slavery are mine, by precept and inheritance; mine, as the result of my own convictions, as reflected in the sentiments of my constituents, as embodied in the resolutions of the legislature of my State; and in the discharge of my public duty I acknowledge, and will obey without hesitation, all these powerful influences.

Much has been said in the course of the long debate respecting the ordinance of 13th July, 1787, and especially of that ever living principle of liberty which is contained in the 6th article. This noble ordinance, full of the wisdom and the forecaste of the great and good men of that day, was enacted by the votes of all the States present on that memorable occasion, and has become the foundation of numerous States, the proud boast of millions of freemen; of it, it has been declared, that it was the cloud by day, and the pillar of fire by night, to the rushing multitudes that then and since have sought a resting place in the vast and fertile regions of the West. The establishment of this ordinance over the Western Territory restricted and fixed the limits of slavery in those days, for it embraced within its provisions and influence all the lands and territory not then included within the boundaries of the thirteen States, and is the great landmark of that day; and still, and for all time to come, the enduring witness of the opinions of the wise and enlightened statesmen who framed it, that slavery should have its limits.

Before I conclude, I would ask the indulgence of the committee to refer to

the claim which Virginia has often made, and which has been recently renewed in these Halls, to have possessed, and to have ceded of right, the great territory northwest of the Ohio ; and in virtue of that cession to have claimed, and to have had awarded to her, the merit and the honor of having been the mother of the mighty States and of the numerous people who now inhabit, and hereafter in greater numbers are to inhabit and possess, this rich and fertile portion of our common country. I desire, in the name and in behalf of the State of New York, to assert and vindicate her just claim and right to the territory northwest of the Ohio, and south of the great lakes, and to ask that to her may be awarded, if my proof shall sustain them, the credit and honor to which her cession of this territory on the 1st March, 1781—the first that was ever made for the common use and benefit—so eminently entitle her. Her act of cession bears the impress of her generous and patriotic feelings, and of her high devotion to the cause of the country and the union of the States. It was accepted by Congress the 29th Oct., 1782.

I proceed to state, as briefly as I can, the grounds upon which I claim for New York the right to this territory. When the Revolution began, and the Declaration of Independence was made, two parties sprung up about the right to the western lands. One maintained that the States respectively had succeeded to the Crown lands within their limits; the other, that the confederacy or nation had succeeded to the rights and property of the Crown, as a common fund. Mr. Madison held the former ; Mr. Hamilton the latter opinion. This difference of opinion soon found its way into the Congress of the Confederation, and deeply agitated it and the several States, until it was finally settled. In 1777 the articles of confederation were presented to the States, leaving the question of claims to the Western Territory unsettled. Massachusetts and Connecticut claimed a large extent of territory beyond the Ohio ; New York claimed the whole beyond the Alleghanies; so did Virginia, and the Confederacy also claimed all of it. In 1776, Virginia formed her constitution and embraced within her limits all this Western Territory. Against this assumption of title in her constitution to this territory New Jersey and Maryland especially, objected, and opposed the whole claim of Virginia with great pertinacity, and required that Congress should ascertain and fix the limits westward, to the States claiming to the Mississippi and South Sea. Congress called upon the States to cede their claims to the Western Territory. At that time seven States asserted claims to portions or to the whole of said territory. The State of New York was the first to respond to the invitation of Congress; instead of remonstrating, she did then, as she has ever done since, when the interest and the safety of the country was at stake—she surrendered, without conditions, her rights on the altar of that country, and in February, 1780, passed an act authorizing her commissioners to cede to the Confederation all the lands claimed to have been within her limits and jurisdiction, for the purpose, as its title bore, of facilitating the

completion of the articles of confederation and perpetual union among the United States of America. On the 1st of March, 1781, she ceded her soil and jurisdiction to the western lands; and on the 29th of October, 1782, Congress accepted the cession. January 2d, 1781, Virginia passed an act ceding her claim to the western lands on eight conditions. The act of cession of New York, of Virginia, and Connecticut, the declaration and instructions of Maryland, and the remonstrance of Virginia were referred to a committee of Congress, whose report and resolutions were presented on the 1st of May, 1782, and adopted, to the following effect, that Congress do, in behalf of the United States, accept the cession of the State of New York, for the following reasons, that it clearly appears to your committee that all the lands belonging to the Six Nations of Indians and their tributaries have been, in due form, put under the protection of the Crown of England by the said Six Nations, as appendant to the late government of New York, as far as respects jurisdiction only; that the citizens of said colony have borne the burthen both as to blood and treasure in protecting and supporting the said Six Nations and their tributaries, for upwards of one hundred years last past; as dependants and allies of the said government; that the Crown of England has always considered and treated the country of the said Six Nations and their tributaries, inhabiting as far north as the 45th degree of latitude, as appendant to the government of New York; that the neighboring colonies of Massachusetts, Connecticut, Pennsylvania, Maryland, and Virginia, have also, from time to time, by their public acts, recognised and admitted the said Six Nations and their tributaries to be appendant to the government of New York; that by Congress accepting this cession, the jurisdiction of the whole western territory, belonging to the Six Nations of Indians and their tributaries, will be vested in the United States, greatly to the advantage of the Union; that Congress do earnestly recommend to the States of Massachusetts and Connecticut to release, without delay, to the United States, all claims and pretensions of claim to the said western territory, without any conditions or restrictions whatever; that Congress cannot, consistently with the interest of the United States, the duty they owe their constituents, or the rights necessarily vested in them as the sovereign power of the United States, accept of the cession proposed to be made by the State of Virginia or guarantee the tract of country claimed by them in their act of cession." The eighth condition of which required that "all the territory southeast of the Ohio, included between the boundaries of Pennsylvania, Maryland, and North Carolina, to the Atlantic, should be guaranteed to Virginia by the United States; and in reference to which the committee reported that Congress could not agree to guarantee to the Commonwealth of Virginia the land described in said condition, without entering into a discussion of the right of the State of Virginia to the said land. Conceiving this condition of a guarantee to be either unnecessary or unreasonable, inasmuch as, if the land above mentioned is really the

property of the State of Virginia, it is sufficiently secured by the Confederation; and if it is not the property of that State, there is no reason or consideration for such guarantee."

On the 20th October, 1783, Virginia altered her act, and authorized a cession to the United States upon the terms and conditions of the resolves of Congress of 13th September, 1783; and on the 1st of March, 1784, Congress voted to accept the cession when the deed shall be executed; that was done, and the deed accepted by Congress.

The claim and jurisdiction of New York to this territory might be safely left for its vindication to the report of this committee and the action of Congress on this subject. But as a short reference to the history of Virginia, and to her claim to be the owner of this property, may clear the question of all doubt, I proceed to give it.

Virginia, during the Revolutionary war, set up a claim to the country beyond the Ohio river—her title to that territory was founded upon the charter of James the 1st, in 1609, commonly called the Virginia charter. That charter granted to a corporation under the name and style of the Treasurer and Company of Adventurers and Planters of the city of London, for the first colony of Virginia, "all those lands, countries, and territories in Virginia from Point Comfort, 200 miles northward and 200 miles southward along the sea-coast, and throughout from sea to sea, west and northwest." In 1624, the King caused a writ of quo warranto to be issued for an abuse of power by the corporation, and the patent was cancelled, and the franchise of the charter resumed by the Crown; and in August of the same year, the King appointed, by commission, a governor and eleven councillors to reside in the colony, to whom its affairs were committed. Thus ended the charter, and Virginia became a colony of the Crown, a creature of the royal will, subject to be enlarged or diminished according to the King's pleasure—and remained so until the Revolution. In 1670, Sir William Berkley, then, and who had been governor for 30 years, says, in reply to an inquiry of the Lords Commissioners of Plantations touching the colony under his charge, "as for the boundaries of the land, it was once great, ten degrees in latitude, but now it has pleased his Majesty to confine us to half a degree; knowingly I speak this." The colonies on the south, and Maryland on the north, had been granted out of the old chartered limits. To the question, what rivers are in your government; he replies, James, York, Rappahannock, and Potomac—giving half a degree, therefore, along the sea-shore, and in the interior, the land drained by the rivers—all east of the Alleghany mountains; this was Virginia of that day, as understood by one who was its governor for 30 years. The French claimed the country beyond the mountains as its first explorers and permanent occupiers, and England acquired by the treaty of Quebec with France, in February, 1763, the title to the country beyond the mountains that was claimed by France. The proclamation of the King of England, issued on

the 10th of October of that year, fixed the limits of Virginia as they then were, and as they were nearly a hundred years before, when Sir William Berkley gave his answers on the subject, and where they ever were under the royal government. Just before our Revolution, in 1769, it was seriously proposed by the Crown to establish a new province in that part of the territory between the Alleghany mountains and the Ohio river—embracing the present western Virginia and part of Kentucky—and no objection was made by Virginia to the project of circumscribing her boundaries; for in 1770, President Nelson, of the Virginia council, speaks of “it” as a colony to be established on the back of Virginia. The result of the arrangement between Congress and Virginia was, that Virginia surrendered the country beyond the Ohio to the Confederacy, and the United States left Virginia in the quiet possession of the country between the mountains and the river Ohio. And the title or claim of Virginia was taken for what it was worth, without examination by the United States into its merits, or production of proof of its validity by Virginia, which was waived by both parties.

And, now, Mr. Chairman, with a few words upon the union of these States, and the interest and pride which New York has and must ever have in its stability and power, I will close my remarks. The Constitution of these States, and the nation, which is its offspring, have not yet seen the limit of man’s brief life; yet in growth and power, in numbers and freedom, in happiness and blessings, it has no parallel in the annals of the world. Let no rude hand, no daring ambition rend asunder the ties which bind together so much individual, so much national prosperity, happiness, and independence. If there be among the confederated States of this Union, one whose stake is deepest in the preservation of that Union, it is New York. Faithful and true in peace as in war, she has known no change—her noble position, the enterprise of her citizens, the safeguards of the Constitution, and the power of the Union have made her what she is; she knows, she feels, and acknowledges her obligations in all these instances; as she cherishes, so will she ever defend the union of these States—as she has thriven, and grown powerful and great under the protection of the Constitution, so will she ever continue to uphold its provisions; her sons are freemen, and the liberty they enjoy they would transmit to their children; and while neither they, nor their representatives in this House would ever violate the rights of others, it is the settled, calm, and deliberate conviction and judgment of the vast majority of the people of that State, that the soil of freedom should never by their vote or act become the resting place of slavery.









